

# FINAL BILL REPORT

## HB 1025

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Synopsis as Enacted  
C 232 L 93

**Brief Description:** Regarding the limitation of actions brought by prisoners.

By Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, Dyer, Jones, Kessler, Orr, Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Forner, Silver, Dorn and Chappell.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Under state law, a statute of limitation is tolled for a person with one or more enumerated disabilities, including imprisonment for a term less than his or her natural life. Thus, a prisoner with less than a life sentence need not bring a lawsuit within the ordinary time limit.

In Bianchi v. Bellingham, the Court of Appeals for the Ninth Circuit applied the Washington State tolling statute to a federal civil rights action brought by a prisoner serving a life sentence. The court reasoned that since the prisoner's life sentence was not without possibility of parole, the term was for less than his natural life. The result was that the prisoner's action, brought more than nine years after the events complained about occurred, was not barred by the lapse of time.

**Summary:** Imprisonment under sentence is removed as a disability in the tolling statute. Imprisonment while charged with a criminal offense, and imprisonment following conviction but prior to sentencing, remain disabilities under the tolling statute.

**Votes on Final Passage:**

House	95	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 25, 1993